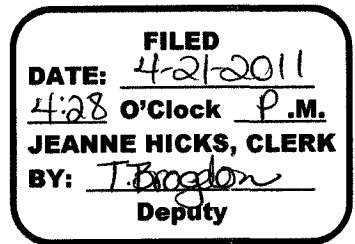


IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF YAVAPAI



DIVISION PRO TEM B

JEANNE HICKS, CLERK

HON. WARREN R. DARROW

BY: T. Brogdon, Deputy Clerk

CASE NO. V1300CR201080049

DATE: April 21, 2011

TITLE:

COUNSEL:

STATE OF ARIZONA,

Yavapai County Attorney

By Sheila Polk

Bill Hughes

(Via OnBase)

(Plaintiff)

(For Plaintiff)

v.

JAMES ARTHUR RAY,

Thomas K. Kelly

(Via Electronic Mail)

(For Defendant)

(Defendant)

and

Luis Li/Brad Brian/Truc Do/Miriam Seifter

MUNGER TOLLES & OLSON LLP

(Via Electronic Mail)

(For Defendant *Pro Hac Vice*)

HEARING ON:  
TRIAL – Day 31

NATURE OF PROCEEDINGS

COURT REPORTER  
Mina Hunt

START TIME: 9:08 a.m.

APPEARANCES:

Sheila Polk, Counsel for State

Bill Hughes, Co-Counsel for State

Detective Ross Diskin, Case Agent

James Arthur Ray, Defendant

Tom Kelly, Counsel for Defendant

Luis Li, *Pro Hac Vice* Counsel For Defendant

Truc Do, *Pro Hac Vice* Counsel For Defendant

Miriam Seifter, *Pro Hac Vice* Counsel For Defendant

The Court, Counsel, Detective Diskin, and Defendant are present in the Courtroom. The Jury is not present.

Court and Counsel discuss marking new exhibits. Counsel for Plaintiff advises there are photos of the exhibits to be marked and would prefer to leave the exhibits in their boxes. Counsel for Defendant has no objection. The Court advises that will be done.

Court and Counsel discuss Counsel for Plaintiffs inability to receive emails and access their documents due to the County wide computer virus. Counsel for Plaintiff requests Counsel for Defendant provide hard copies on any documents sent from Monday night to current.

Court and Counsel discuss the Supplement to the Motion for Reconsideration filed by Counsel for Defendant, the Response filed by Counsel for Plaintiff, and witness testimony. The Court advises these documents need to be reviewed and considered carefully, therefore there will be no prior sweat lodge testimony today specifically with the Hamiltons.

~~~Recess~~~

At 9:32 a.m. Court reconvenes, all previously appearing parties and the Jury are present.

During the recess, four paint cans within a box presented by Counsel for Plaintiff were marked as exhibits pursuant to the direction of the Court as advised by the Bailiff.

Debbie Mercer having been previously sworn resumes testimony.

Questions for the witness are submitted by the Jury, discussed at sidebar and answered by the witness.

Debbie Mercer is reminded of the Rule for the exclusion of witnesses and excused subject to possible recall.

The Jury is reminded of the admonition and excused for a recess.

~~~Recess~~~

At 10:55 a.m. Court reconvenes, all previously appearing parties and the Jury are present.

Michael Hamilton is sworn and testifies.

Exhibits 798, 800, 806 and 807 are offered and admitted into evidence without objection.

Exhibit 903 is offered and admitted into evidence without objection for demonstrative purposes.

The Jury is reminded of the admonition, Michael Hamilton is advised of the Rule for the exclusion of witnesses and excused for the noon recess.

~~~Noon Recess~~~

At 1:36 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

Michael Hamilton resumes testimony.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

Exhibit 885 is offered and admitted into evidence without objection.

Exhibit 900 is offered and admitted into evidence without objection, the photograph for purposes of the record.

The Jury is reminded of the admonition, Michael Hamilton is reminded of the Rule for the exclusion of witnesses and excused for a recess.

~~~Recess~~~

At 3:22 p.m. Court reconvenes, all previously appearing parties and the Jury are present.

Michael Hamilton resumes testimony.

Exhibits 899, 901, 902 and 904 are offered and admitted into evidence without objection.

Exhibit 815 is admitted into evidence pursuant to stipulation of Counsel.

Court and Counsel conduct sidebar discussion outside of the presence of the Jury on the record.

Michael Hamilton is reminded of the Rule for the exclusion of witnesses, excused for the evening recess and exits the Courtroom.

The Jury is advised when the Court sustains an objection, the question and answer cannot be considered. The Jury is reminded of the admonition, excused for the evening recess and exits the Courtroom.

The Court advises as indicated at sidebar, the Court will have a ruling out tomorrow and will address the issue at 8:30 a.m.

Counsel for Defendant requests to provide a copy of Dr. Mosely's transcripts to Counsel for Plaintiff. Discussion ensues.

Court and Counsel discuss Counsel for Defendant's request at sidebar, **IT IS ORDERED** denying the Motion for Mistrial at this time.

The Court stands adjourned for the day.

**END TIME: 4:28 p.m.**

**THEREAFTER, off the record,** Exhibits 899-904 are admitted for demonstrative purposes.

cc: Gallagher & Kennedy, P.C., Counsel for Shore Family (e)  
Murphy, Schmitt, Hathaway & Wilson, PLLC, Co-Counsel for Brown Family (e)  
Stone & Magnanini, Co-Counsel Brown Family (e)  
Aspey, Watkins & Diesel, PLLC, Counsel for Neuman Family (e)  
Steptoe & Johnson, Counsel for KPNX Broadcasting Company, TruTV and In Session (e)  
Perkins, Cole, Brown & Bain, Counsel KTVK-TV (e)  
Division PTB (e)  
Victim Services (e)  
Court Administration  
Customer Service Supervisor, Verde